

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

CANCER RESEARCH TECHNOLOGY	:	Civil Action No. 10-4745 (MLC)
LIMITED, et al.,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	PRETRIAL SCHEDULING ORDER
	:	
SUN PHARMA GLOBAL EZE, et al.,	:	
	:	
Defendants.	:	
_____	:	

This matter having come before the Court during an initial scheduling conference on March 10, 2011; pursuant to FED. R. CIV. P. 16; and the Court having conferred with counsel concerning the timely completion of discovery; and good cause appearing for the entry of the within Order;

IT IS on this 22<sup>nd</sup> day of March 2011,

ORDERED THAT:

1. In accordance with FED. R. CIV. P. 26 (a)(1), each party will submit a letter, not later than March 24, 2011, to the undersigned certifying that initial disclosures have been made. This material will not be filed with the Clerk of the Court.
2. No later than March 24, 2011, each party shall designate a representative knowledgeable about their respective electronic information systems. Thereafter, the parties are directed to meet and confer regarding a mutually acceptable format for production of electronically stored information.
3. Defendants shall produce the entire ANDA file by March 24, 2011.
4. Pursuant to L. Pat. R. 3.6(b), Plaintiffs shall serve their disclosure of asserted claims, infringement contentions, and any accompanying documents by March 22, 2011.
5. Pursuant to L. Pat. R. 2.2, the Parties shall file a proposed Discovery Confidentiality Order and supporting certification(s) by March 28, 2011.
6. The Parties shall serve initial interrogatories and document requests by April 7, 2011.
7. Pursuant to L. Pat. R. 3.3 and 3.4, Defendants shall serve their invalidity contentions for the '291 patent with the required disclosures and documents by April 19, 2011.

8. Pursuant to L. Pat. R. 3.6(e), Defendants shall serve non-infringement contentions for the '291 patent and accompanying documents by April 19, 2011.

9. Pursuant to L. Pat. R. 3.6(i), Plaintiffs shall serve their responses to Defendants' invalidity contentions by May 17, 2011.

10. Pursuant to L. Pat. R. 3.1 and 3.2, Plaintiffs shall serve their infringement contentions and accompanying documents by May 17, 2011.

11. Pursuant to L. Pat. R. 4.1, the Parties shall jointly exchange proposed lists of terms for construction by May 31, 2011 and thereafter shall meet and confer for purposes of limiting the terms in dispute.

12. Pursuant to L. Pat. R. 4.2, the Parties shall jointly exchange preliminary claim constructions and extrinsic evidence by May 30, 2011.

13. Pursuant to L. Pat. R. 4.3, the parties shall file a Joint Claim Construction and Prehearing Statement on July 15, 2011.

14. Pursuant to L. Pat. R. 4.4, the deadline to complete claim construction discovery is July 29, 2011.

15. Pursuant to L. Pat. R. 4.5(a), the Parties shall contemporaneously file and serve opening Markman briefs on September 2, 2011.

16. Pursuant to L. Pat. R. 4.5(b), the Parties shall complete discovery of any expert witnesses who submitted a declaration or certification in connection with a Markman brief by September 30, 2011.

17. Pursuant to L. Pat. R. 4.5 (c), the Parties shall contemporaneously file and serve responding Markman briefs on October 28, 2011.

18. Pursuant to L. Pat. R. 4.5, the Parties shall jointly propose to the Court a schedule for a Claim Construction Hearing by October 28, 2011.

19. The deadline to file motions to amend or add parties is October 28, 2011.

20. The Parties shall complete fact discovery by December 2, 2011.

21. The Parties shall serve their respective affirmative expert reports by January 17, 2012. Responsive expert reports are due by February 17, 2012 and reply reports are due by March 16, 2012.

22. The Parties shall complete expert discovery including depositions by April 27, 2012.

23. The Parties must file dispositive motions by May 11, 2012, opposition is to be filed by June 15, 2012 and reply briefs by June 29, 2012.

24. Counsel will confer in an attempt to resolve any discovery or case management disputes before making such dispute the subject of a motion. No discovery motion will be entertained absent counsel's full compliance with L. CIV. R. 37.1(a)(1); *see also* L. CIV. R. 16.1(f).

25. Pursuant to L. Pat. R. 3.8, if a party intends to rely on advice of counsel as part of a claim or defense, that party must make the required disclosure within thirty (30) days after the Court's entry of a claim construction Order or sixty (60) days before the close of fact discovery (whichever occurs earlier) or that party will not be permitted to rely upon the advice of counsel.

26. The Court will conduct telephone status conferences on May 23, 2011 at 10:00 A.M. and October 5, 2011 at 10:00 A.M. Plaintiffs' counsel will initiate these calls.

27. The Court may, from time to time, schedule conferences as may be required, either on its own motion or at the request of counsel. Failure to appear at subsequent conferences, or to comply with any of the terms of this Order, may result in sanctions.

28. Since all dates set forth herein are established with the assistance and knowledge of counsel, there will be no extensions except for good cause shown and by leave of Court, even with consent of all counsel.

29. Counsel are invited to use the *George H. Barlow* Attorney Conference Room located on the third floor of the Courthouse Annex. The room is equipped with telephones, laptop access/printer, copier, and *fax*.

*s/ Douglas E. Arpert*

DOUGLAS E. ARPERT

United States Magistrate Judge

**ALL PROPOSED ORDERS AND LETTER MEMORANDA SENT TO CHAMBERS SHOULD BE IN WORDPERFECT FORMAT AND E-MAILED TO: [dea\\_orders@njd.uscourts.gov](mailto:dea_orders@njd.uscourts.gov). ANY FILINGS WITH THE CLERK'S OFFICE SHOULD BE IN PDF FORMAT.**